

### **REMARKS**

The specification has been editorially revised. The application contains claims 1-12.

Claims 1-12 (all pending claims) are rejected under 35 U.S.C. § 102 as being anticipated by Mine. Reconsideration is respectfully requested. Claim 1 recites a controller that identifies a recorded region as an unrecorded region. That is, claim 1 recites “a controller that identifies and manages the first region recorded with the dummy data as one of the unrecorded regions.” This is an important aspect of the claimed invention. Please refer, for example, to Fig. 4, Steps S3 and S4, and page 22, lines 13-15, of Applicant’s specification.

In the Mine system, in contrast to the invention of claim 1, a block that contains finalization data is represented as recorded. In one embodiment, shown in Fig. 14A, Mine would set “1” in a conventional WBBM to represent that the block is recorded, and set “0” in a user WBBM to represent that the block contains finalization data (column 10, lines 58-65). In another embodiment, shown in Fig. 14B, two bits would be used. One bit would represent that the block is recorded. The other bit would represent that the block contains finalization data (column 11, lines 14-18).

The Office Action, page 4, contends that Mine “discloses that the user bitmap is used to show that the regions with dummy data are labeled as unrecorded.” The contention is not correct. The user bit map discussed in Mine, starting at column 10, line 57, does not label (and is not “used to show”) blocks as either recorded or unrecorded. Instead, the user bit map represents whether blocks contain user data or finalization data (column 10, lines 63-65).

Mine fails to disclose or suggest “a controller that identifies and manages the first region recorded with the dummy data as one of the unrecorded regions,” as recited in claim 1. Therefore, for at least this reason, claim 1 should be allowable. Claims 2-8 depend from claim 1 and should be allowable along with claim 1 and for other reasons. The remaining claims, claims 9-12, recite

limitations similar to those discussed above, and should be allowable along with claim 1 and for other reasons. Accordingly, allowance of the application with claims 1-12 is solicited.

Dated: September 9, 2008

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403  
202-420-4742  
Attorneys for Applicant